

1 JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

2 BRIAN J. STRETCH (CABN 163973)
3 Chief, Criminal Division

4 MATTHEW A. PARRELLA (NYBN 2040855)
JOSEPH A. FAZIOLI (ILBN 6273413)
5 Assistant United States Attorneys

6 150 Almaden Blvd., Suite 900
San Jose, CA 95113
7 Telephone: (408) 535-5042
FAX: (408) 535-5066
8 matthew.parrella@usdoj.gov
joseph.fazioli@usdoj.gov

9 Attorneys for Plaintiff

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,) No. CR-06-00424 JW
14 Plaintiff,)
15 v.) **STIPULATION SETTING STATUS DATE**
16) **AND EXCLUDING TIME AND**
17) **[PROPOSED] ORDER**
18 LAN LEE,)
19 a/k/a Lan Li, and)
YUEFEI GE,)
Defendants.)

20

21 **IT IS HEREBY STIPULATED AND AGREED**, by and between Joseph P. Russoniello,
22 United States Attorney, and Matthew A. Parrella and Joseph A. Fazioli, Assistant United States
23 Attorneys, counsel for the United States of America, and Thomas J. Nolan, Esq. and Edward W.
24 Swanson, Esq., counsel for defendants, that a status date currently set for the above-captioned
25 matter on March 9, 2010, be continued to April 12, 2010, at 1:30 p.m., or a date and time
26 thereafter at the convenience of the Court.

27 This Stipulation is entered into for the following reasons:

- 28 1. A jury trial in this matter was conducted before the Court beginning with jury

1 selection on October 20, 2009, and continuing to verdict on November 20, 2009. The jury was
2 unable to reach unanimous verdicts on counts 1, 2, and 4 of the superseding indictment and the
3 Court declared a mistrial as to those counts.

4 2. A motion under Fed. R. Crim. P. 29 is presently pending before the Court. This
5 matter has previously been deemed by the Court as complex under Title 18 United States Code,
6 Section 3161(h)(7)(B)(ii).

7 3. Counsel for the defendants have spoken with the defendants and the defendants
8 have no objections to the continuance sought herein. Counsel for defendant Ge will be
9 unavailable on March 29 and April 5, 2010.

10 4. The defendants are not in custody.

11 5. This continuance is sought to save the court's time and resources, to allow time
12 for the Defendants and the Government to evaluate and analyze information which will have a
13 bearing on the future course of the superseding indictment, and for effective preparation of
14 counsel.

15 6. Additionally, denial of this request could result in a miscarriage of justice, taking
16 into account the exercise of due diligence.

17 //

18 //

19 //

20

21

22

23

24

25

26

27

28 STIPULATION SETTING STATUS DATE,
EXCLUDING TIME, AND [PROPOSED] ORDER

1 7. The additional time requested by this stipulation is excludable in computing the
2 time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,
3 United States Code, Sections 3161(h)(1)(H), and 3161(h)(7), considering the factors under Title
4 18 United States Code, Sections 3161(h)(7)(B)(i) and 3161(h)(7)(B)(ii).

5
6 DATED this 18th day of February, 2010.

7
8 JOSEPH P. RUSSONIELLO
United States Attorney

9
10 /s/
11 MATTHEW A. PARRELLA
Assistant United States Attorney

2/18/10
DATE

12
13 /s/
14 THOMAS J. NOLAN
Attorney for Defendant LEE

2/18/10
DATE

15
16 /s/
EDWARD W. SWANSON
Attorney for Defendant GE

2/18/10
DATE

17 ///

18 ///

19 ///

20
21
22
23
24
25
26
27
28 STIPULATION SETTING STATUS DATE,
EXCLUDING TIME, AND [PROPOSED] ORDER

Based upon the foregoing representations made by the parties by stipulated motion, and good cause appearing therefor,

IT IS HEREBY ORDERED that the time from March 9, 2010 until April 12, 2010 shall be excluded from the computation the period within which the trial must commence, for the reasons and based upon the statutory provisions set forth above, and for those reasons proffered by the parties. The Court finds that the ends of justice outweigh the interests of the public and the parties in a speedier trial based upon the grounds set forth above.

IT IS FURTHER ORDERED that the matter shall be set on the Court's calendar on April 12, 2010, at 1:30 p.m., or a date and time thereafter at the convenience of the Court.

DATED: February 22, 2010


JAMES WARE
United States District Judge

JAMES WARE
United States District Judge

STIPULATION SETTING STATUS DATE,
EXCLUDING TIME, AND [PROPOSED] ORDER